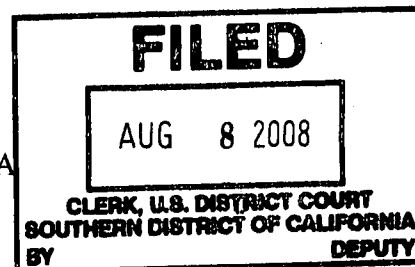


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



KAREL SPIKES,

Plaintiff,

vs.

TEPI-NORTE MEX-CITY, et al.,,

Defendant.

CASE NO. 08CV0454-H(LSP)

NOTICE OF HEARING

Please take notice that the above-entitled action has been placed on the calendar of the Honorable Marilyn L. Huff on September 22, 2008 at 10:30 am, in courtroom 13, at the U.S. District Courthouse, 940 Front Street, San Diego, California.

_____ **FOR DISMISSAL FOR WANT OF PROSECUTION** under Local Rule 41.1 which provides that actions or proceedings which have been pending in this court for more than six months, without any proceeding having been taken therein during such period, may be dismissed by the court without prejudice, unless otherwise ordered.

_____ **FOR DISMISSAL FOR WANT OF PROSECUTION** under Rule 4(m) of the Federal Rules of Civil Procedure which provides that an action be dismissed as to all named defendants not served with the summons and complaint within 120 days of the filing date, absent a showing of good cause why such service was not made. The filing of a proof of service, showing that service was accomplished within 120 days of the filing date, seven (7) days prior to the above hearing date shall result in the removal of this matter from the court's calendar.

 X **FOR DISMISSAL FOR FAILURE TO MOVE FOR DEFAULT JUDGMENT** under Local Rule 55.1 for failure to move for default judgment within thirty (30) days of the entry of a default as to defendant Roberto Barnet dba Old Cotijas only.

W. SAMUEL HAMRICK, JR., CLERK

by: T. Mason
Courtroom Deputy
619-557-6418